IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 13028 of 2005

Between:

K.E. Prem Kumar, S/o. Moses,
R/o. Chagalamari Village, Kurnool District.

..... PETITIONER

AND

1 The Commissioner of Social Welfare, Telugu Samshema Bhavan,

Masab Tank, Hyderabad.
2 The Government of Andhra Pradesh, Rep. by its Secretary,
Social Welfare, Secretariat, Hyderabad.
3 The District Collector, Kadapa,.
4 The District Panchayat Officer, Kadapa.
5 T.K. Madhu Kumar, S/o. Sunder Raju,
Jammalamadugu Gram Panchayat, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction mostly one which is in the nature of Writ of MANDAMUS declaring the inaction of the respondents in taking appropriate action on the representation dated 12-2-2004 submitted by the petitioner with regard to the Bogus Caste Certificate produced by the 5th respondent as illegal, irregular, arbitrary, unwarranted, unjustified, unconstitutional and sustainable.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents 1 to 4: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.5: None appeared

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the 3rd respondent in enquiring the social status of the 5th respondent on a complaint dated 12-02-2004 submitted by the petitioner that the 5th respondent submitted a bogus Caste Certificate and enjoying the benefits under the guise of said bogus Certificate claiming that he belongs to Scheduled Caste.

2. It is stated that the petitioner made a written complaint on 12-02-2004 bringing to the notice of the 3rd respondent/Collector that the 5th respondent had obtained a bogus Caste Certificate claiming that he belongs to the Scheduled Caste. In fact, in another proceeding, where enquiry was conducted, it was found that the 5th respondent did not belong to the Scheduled Caste. Though, the said fact was brought to the notice of the 3rd respondent, he did not take any action. Hence, the present writ petition.

3 . Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

4. A perusal of Section 5 of the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993, shows that when a written complaint by any person is received that a person, not belongs to any of the Schedule Caste, Schedule Tribe or Backward Classes, has obtained a false Community Certificate to the effect that either himself or his children belongs to such Castes, Tribes or Classes, the District Collector is obligated to conduct necessary enquiry, and if it is found to be true, cancel the certificate after giving the person concerned an opportunity of being heard.

5. The grievance of the petitioner is that though the statutory provision casts an obligation on the 3rd respondent to conduct an enquiry, in spite of written complaint made by the petitioner, he did not conduct any enquiry for canceling the Caste Certificate obtained by the 5th respondent.

6. In view of the said written complaint made by the petitioner, the third respondent is statutorily obligated to conduct necessary enquiry and pass appropriate orders, if necessary, after giving opportunity to the 5th respondent, if it is found that the 5th respondent had falsely obtained the Caste Certificate that he belongs to Scheduled Caste. The enquiry is directed to be initiated and completed expeditiously by the third respondent.

7. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

20th June, 2005

Note:

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Furnish C.C. within one week.

B/o.

SKM

To

1 The Commissioner of Social Welfare, Telugu Samshema Bhavan,

Masab Tank, Hyderabad.
2 The Secretary, Government of Andhra Pradesh,
Social Welfare, Secretariat, Hyderabad.
3 The District Collector, Kadapa,.
4 The District Panchayat Officer, Kadapa.
5 Two C.Cs. to G.P. for Social Welfare, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

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